

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Statement of Issues)
Against:)**

JUAN LUIS CAZARES)

Case No. 800-2017-036483

Applicant)
_____)

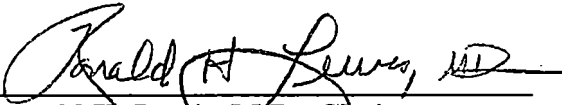
DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on August 20, 2019.

IT IS SO ORDERED: August 13, 2019.

MEDICAL BOARD OF CALIFORNIA



Ronald H. Lewis, M.D., Chair
Panel A

1 XAVIER BECERRA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 CHRISTINA SEIN GOOT
Deputy Attorney General
4 State Bar No. 229094
California Department of Justice
5 300 South Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 269-6481
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7 *Attorneys for Complainant*

8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the Statement of Issues
Against:

14 JUAN LUIS CAZARES

15 7217 Halray Avenue
16 Whittier, CA 90606

17 Applicant.

Case No. 800-2017-036483

OAH No. 2018110387

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18
19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
23 of California (Board). She brought this action solely in her official capacity and is represented in
24 this matter by Xavier Becerra, Attorney General of the State of California, by Christina Sein
25 Goot, Deputy Attorney General.

26 2. Applicant Juan Luis Cazares (Applicant) is represented in this proceeding by attorney
27 Kevin D. Cauley, whose address is: 624 South Grand Avenue, 22nd Floor, Los Angeles, CA
28 90017-3323.

1 3. On March 10, 2017, Applicant filed an application dated March 13, 2017, with the
2 Medical Board of California seeking a Physician's and Surgeon's Certificate.

3 JURISDICTION

4 4. Statement of Issues No. 800-2017-036483 was filed before the Board, and is currently
5 pending against Applicant. The Statement of Issues and all other statutorily required documents
6 were properly served on Applicant on September 26, 2018.

7 5. A copy of Statement of Issues No. 800-2017-036483 is attached as Exhibit A and
8 incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 6. Applicant has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Statement of Issues No. 800-2017-036483. Applicant has also
12 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
13 Settlement and Disciplinary Order.

14 7. Applicant is fully aware of his legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Statement of Issues; the right to confront and cross-
16 examine the witnesses against him; the right to present evidence and to testify on his own behalf;
17 the right to the issuance of subpoenas to compel the attendance of witnesses and the production of
18 documents; the right to reconsideration and court review of an adverse decision; and all other
19 rights accorded by the California Administrative Procedure Act and other applicable laws.

20 8. Applicant voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 CULPABILITY

23 9. Applicant does not contest that, at an administrative hearing, Complainant could
24 establish a *prima facie* case with respect to the charges and allegations contained in Statement of
25 Issues No. 800-2017-036483 and that he has thereby subjected his license to disciplinary action.

26 10. Applicant agrees that his Physician's and Surgeon's Certificate is subject to discipline
27 and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
28 below.

11. Applicant agrees that if he ever petitions for early termination or modification of probation, or if the Board ever petitions for revocation of probation, all of the charges and allegations contained in Statement of Issues No. 800-2017-036483 shall be deemed true, correct and fully admitted by Applicant for purposes of that proceeding or any other licensing proceeding involving Applicant in the State of California.

CONTINGENCY

12. This stipulation shall be subject to approval by the Medical Board of California. Applicant understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Applicant or his counsel. By signing the stipulation, Applicant understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that the application of Applicant Juan Luis Cazares for a full and unrestricted Physician's and Surgeon's Certificate is denied. However, Applicant shall be issued a license on a probationary basis, subject to the following terms and conditions:

1. Applicant is placed on probation for a period of five (5) years. Probation shall begin on the date Applicant is issued a probationary license.

1 2. PROFESSIONAL ENHANCEMENT PROGRAM. If Applicant ceases to participate
2 in an ACGME-approved postgraduate training program, within 60 calendar days of the end of
3 such participation, Applicant shall participate in a professional enhancement program approved in
4 advance by the Board or its designee, which shall include quarterly chart review, semi-annual
5 practice assessment, and semi-annual review of professional growth and education. Applicant
6 shall participate in the professional enhancement program at Applicant's expense during the term
7 of probation, or until the Board or its designee determines that further participation is no longer
8 necessary.

9 If Applicant fails to enroll in the professional enhancement program within 60 calendar
10 days of the end of his participation in an ACGME-approved postgraduate training program,
11 Applicant shall receive a notification from the Board or its designee to cease the practice of
12 medicine within three (3) calendar days after being so notified. Applicant shall cease the practice
13 of medicine until he is enrolled in a professional enhancement program.

14 If Applicant leaves the professional enhancement program for any reason, Applicant shall
15 receive a notification from the Board or its designee to cease the practice of medicine within three
16 (3) calendar days after being so notified. Applicant shall cease the practice of medicine until he is
17 again enrolled in the professional enhancement program.

18 3. CLINICIAN-PATIENT COMMUNICATION COURSE (COMMUNICATION
19 COURSE). Within 60 calendar days of the effective date of this Decision, Applicant shall enroll
20 in the communication course approved by the Board. Applicant shall provide any information
21 and documents that the program may deem pertinent.

22 Applicant shall successfully complete the classroom component of the course not later than
23 six (6) months after Applicant's initial enrollment, and the longitudinal component of the course
24 not later than the time specified by the program, but no later than one (1) year after attending the
25 classroom component. The communication course shall be at Applicant's expense and shall be in
26 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

27 4. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision,
28 Applicant shall submit to the Board or its designee for prior approval the name and qualifications

1 of a California-licensed board certified psychiatrist or a licensed psychologist who has a doctoral
2 degree in psychology and at least five years of postgraduate experience in the diagnosis and
3 treatment of emotional and mental disorders. Upon approval, Applicant shall undergo and
4 continue psychotherapy treatment, including any modifications to the frequency of
5 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

6 The psychotherapist shall consider any information provided by the Board or its designee
7 and any other information the psychotherapist deems relevant and shall furnish a written
8 evaluation report to the Board or its designee. Applicant shall cooperate in providing the
9 psychotherapist with any information and documents that the psychotherapist may deem
10 pertinent.

11 Applicant shall have the treating psychotherapist submit quarterly status reports to the
12 Board or its designee. The Board or its designee may require Applicant to undergo psychiatric
13 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
14 probation, Applicant is found to be mentally unfit to resume the practice of medicine without
15 restrictions, the Board shall retain continuing jurisdiction over Applicant's license and the period
16 of probation shall be extended until the Board determines that Applicant is mentally fit to resume
17 the practice of medicine without restrictions.

18 Applicant shall pay the cost of all psychotherapy and psychiatric evaluations.

19 5. SOLO PRACTICE PROHIBITION. Applicant is prohibited from engaging in the
20 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice
21 where: 1) Applicant merely shares office space with another physician but is not affiliated for
22 purposes of providing patient care, or 2) Applicant is the sole physician practitioner at that
23 location.

24 If Applicant fails to establish a practice with another physician or secure employment in an
25 appropriate practice setting within 60 calendar days of the effective date of this Decision,
26 Applicant shall receive a notification from the Board or its designee to cease the practice of
27 medicine within three (3) calendar days after being so notified. The Applicant shall not resume
28 practice until an appropriate practice setting is established.

1 If, during the course of the probation, the Applicant's practice setting changes and the
2 Applicant is no longer practicing in a setting in compliance with this Decision, the Applicant shall
3 notify the Board or its designee within five (5) calendar days of the practice setting change.

4 If Applicant fails to establish a practice with another physician or secure employment in an
5 appropriate practice setting within 60 calendar days of the practice setting change, Applicant shall
6 receive a notification from the Board or its designee to cease the practice of medicine within three
7 (3) calendar days after being so notified. The Applicant shall not resume practice until an
8 appropriate practice setting is established.

9 6. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
10 Applicant shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
11 Chief Executive Officer at every hospital where privileges or membership are extended to
12 Applicant, at any other facility where Applicant engages in the practice of medicine, including all
13 physician and locum tenens registries or other similar agencies, and to the Chief Executive
14 Officer at every insurance carrier which extends malpractice insurance coverage to Applicant.
15 Applicant shall submit proof of compliance to the Board or its designee within 15 calendar days.

16 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

17 7. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
18 NURSES. During probation, Applicant is prohibited from supervising physician assistants and
19 advanced practice nurses.

20 8. OBEY ALL LAWS. Applicant shall obey all federal, state and local laws, all rules
21 governing the practice of medicine in California and remain in full compliance with any court
22 ordered criminal probation, payments, and other orders.

23 9. QUARTERLY DECLARATIONS. Applicant shall submit quarterly declarations
24 under penalty of perjury on forms provided by the Board, stating whether there has been
25 compliance with all the conditions of probation.

26 Applicant shall submit quarterly declarations not later than 10 calendar days after the end of
27 the preceding quarter.

28 ///

10. GENERAL PROBATION REQUIREMENTS.

Compliance with Probation Unit

Applicant shall comply with the Board's probation unit.

Address Changes

Applicant shall, at all times, keep the Board informed of Applicant's business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b).

Place of Practice

Applicant shall not engage in the practice of medicine in Applicant's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

License Renewal

Applicant shall maintain a current and renewed California physician's and surgeon's license.

Travel or Residence Outside California

Applicant shall immediately inform the Board or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days.

In the event Applicant should leave the State of California to reside or to practice, Applicant shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return.

11. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Applicant shall be available in person upon request for interviews either at Applicant's place of business or at the probation unit office, with or without prior notice throughout the term of probation.

12. NON-PRACTICE WHILE ON PROBATION. Applicant shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of Applicant's return to practice. Non-practice is

1 defined as any period of time Applicant is not practicing medicine as defined in Business and
2 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
3 patient care, clinical activity or teaching, or other activity as approved by the Board. If Applicant
4 resides in California and is considered to be in non-practice, Applicant shall comply with all
5 terms and conditions of probation. All time spent in an intensive training program which has
6 been approved by the Board or its designee shall not be considered non-practice and does not
7 relieve Applicant from complying with all the terms and conditions of probation. Practicing
8 medicine in another state of the United States or Federal jurisdiction while on probation with the
9 medical licensing authority of that state or jurisdiction shall not be considered non-practice. A
10 Board-ordered suspension of practice shall not be considered as a period of non-practice.

11 In the event Applicant's period of non-practice while on probation exceeds 18 calendar
12 months, Applicant shall successfully complete the Federation of State Medical Boards's Special
13 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
14 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
15 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

16 Applicant's period of non-practice while on probation shall not exceed two (2) years.

17 Periods of non-practice will not apply to the reduction of the probationary term.

18 Periods of non-practice for a Applicant residing outside of California will relieve Applicant
19 of the responsibility to comply with the probationary terms and conditions with the exception of
20 this condition and the following terms and conditions of probation: Obey All Laws; General
21 Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
22 Controlled Substances; and Biological Fluid Testing..

23 13. COMPLETION OF PROBATION. Applicant shall comply with all financial
24 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
25 completion of probation. Upon successful completion of probation, Applicant's certificate shall
26 be fully restored.

27 14. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
28 of probation is a violation of probation. If Applicant violates probation in any respect, the Board,

1 after giving Applicant notice and the opportunity to be heard, may revoke probation and carry out
2 the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation, or an
3 Interim Suspension Order is filed against Applicant during probation, the Board shall have
4 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
5 the matter is final.

6 15. LICENSE SURRENDER. Following the effective date of this Decision, if Applicant
7 ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms
8 and conditions of probation, Applicant may request to surrender his or her license. The Board
9 reserves the right to evaluate Applicant's request and to exercise its discretion in determining
10 whether or not to grant the request, or to take any other action deemed appropriate and reasonable
11 under the circumstances. Upon formal acceptance of the surrender, Applicant shall within 15
12 calendar days deliver Applicant's wallet and wall certificate to the Board or its designee and
13 Applicant shall no longer practice medicine. Applicant will no longer be subject to the terms and
14 conditions of probation. If Applicant re-applies for a medical license, the application shall be
15 treated as a petition for reinstatement of a revoked certificate.

16 16. PROBATION MONITORING COSTS. Applicant shall pay the costs associated with
17 probation monitoring each and every year of probation, as designated by the Board, which may be
18 adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and
19 delivered to the Board or its designee no later than January 31 of each calendar year.

20
21
22
23 [Signatures on following page]
24
25
26
27
28

1 ACCEPTANCE

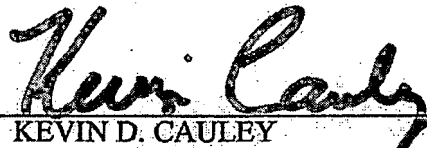
2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Kevin D. Cauley. I understand the stipulation and the effect it will
4 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
5 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
6 Decision and Order of the Medical Board of California.

7
8 DATED: 5/30/19


9 JUAN LUIS CAZARES
Applicant

10 I have read and fully discussed with Applicant Juan Luis Cazares the terms and conditions
11 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
12 its form and content.

13
14 DATED: 5/30/19


15 KEVIN D. CAULEY
16 Attorney for Applicant

17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
19 submitted for consideration by the Medical Board of California.

20
21 Dated: 5/31/19

Respectfully submitted,

22 XAVIER BECERRA
Attorney General of California
23 ROBERT MCKIM BELL
Supervising Deputy Attorney General

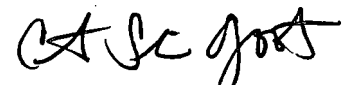
24 
25 CHRISTINA SEIN GOOT
26 Deputy Attorney General
Attorneys for Complainant

Exhibit A

Statement of Issues No. 800-2017-036483

1 XAVIER BECERRA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 CHRISTINA SEIN GOOT
Deputy Attorney General
4 State Bar No. 229094
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 269-6481
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO September 26 2018
BY K. Voong ANALYST

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
Against:

Case No. 800-2017-036483

12 **JUAN LUIS CAZARES**
13 **7217 Halray Avenue**
14 **Whittier, CA 90606**

STATEMENT OF ISSUES

15 Applicant.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Kimberly Kirchmeyer (Complainant) brings this Statement of Issues solely in her
20 official capacity as the Executive Director of the Medical Board of California (Board), Department
21 of Consumer Affairs.

22 2. On or about March 10, 2017, the Board received an application for a Physician's and
23 Surgeon's Certificate from Juan Luis Cazares (Applicant). On or about March 13, 2017, Applicant
24 certified under penalty of perjury to the truthfulness of all statements, answers, and representations
25 in the application.

26 3. On or about November 13, 2017, the Board denied Applicant's application for a
27 Physician's and Surgeon's Certificate and, on or about February 25, 2018, Applicant requested an
28 administrative hearing.

JURISDICTION

4. This Statement of Issues is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 480 of the Code states, in pertinent part:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

“....

(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

“....”

6. Section 2221 of the Code states:

“(a) The board may deny a physician’s and surgeon’s certificate to an applicant guilty of unprofessional conduct or of any cause that would subject a licensee to revocation or suspension of his or her license. The board in its sole discretion, may issue a probationary physician’s and surgeon’s certificate to an applicant subject to terms and conditions, including, but not limited to, any of the following conditions of probation:

“(1) Practice limited to a supervised, structured environment where the licensee’s activities shall be supervised by another physician and surgeon.

“(2) Total or partial restrictions on drug prescribing privileges for controlled substances.

“(3) Continuing medical or psychiatric treatment.

“(4) Ongoing participation in a specified rehabilitation program.

“(5) Enrollment and successful completion of a clinical training program.

“(6) Abstention from the use of alcohol or drugs.

“(7) Restrictions against engaging in certain types of medical practice.

1 “(8) Compliance with all provisions of this chapter.

2 “(9) Payment of the cost of probation monitoring.

3 “(b) The board may modify or terminate the terms and conditions imposed on the
4 probationary certificate upon receipt of a petition from the licensee. The board may assign the
5 petition to an administrative law judge designated in Section 11371 of the Government Code.
6 After a hearing on the petition, the administrative law judge shall provide a proposed decision to
7 the board.

8 “(c) The board shall deny a physician’s and surgeon’s certificate to an applicant who is
9 required to register pursuant to Section 290 of the Penal Code. This subdivision does not apply to
10 an applicant who is required to register as a sex offender pursuant to Section 290 of the Penal
11 Code solely because of a misdemeanor conviction under Section 314 of the Penal Code.

12 “(d) An applicant shall not be eligible to reapply for a physician’s and surgeon’s certificate
13 for a minimum of three years from the effective date of the denial of his or her application, except
14 that the board may, in its discretion and for good cause demonstrated, permit reapplication after
15 not less than one year has elapsed from the effective date of the denial.”

16 7. Section 2234 of the Code states, in pertinent part:

17 “The board shall take action against any licensee who is charged with unprofessional
18 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
19 limited to, the following:

20 “....

21 “(d) Incompetence.

22 “....”

23 **FIRST CAUSE FOR DENIAL OF APPLICATION**

24 **(Unprofessional Conduct)**

25 8. Applicant's application is subject to denial under sections 480, subdivision (a)(3)(A),
26 2221, subdivision (a), and 2234 of the Code in that Applicant conducted himself in an
27 unprofessional manner during postgraduate training. The circumstances are as follows:

28 9. On or about June 15, 2015, Applicant began residency in a pediatric program.

1 10. In his application for licensure, Applicant disclosed that he took a leave of absence
2 during postgraduate training from January 11, 2017 through January 20, 2017 because he was
3 unable to be on call for 28 hours as it was interfering with his sleep and emotional health. During
4 this time, Applicant also sought therapy as recommended by his psychiatrist to help him cope with
5 the poor health of a best friend.

6 11. In his application for licensure, Applicant disclosed that he was diagnosed with an
7 emotional, mental, or behavioral disorder that may impair his ability to practice medicine safely.
8 Applicant stated that he was diagnosed with Attention Deficit Hyperactivity Disorder (ADHD).
9 He claimed that it has not impaired his ability to practice medicine safely, except for when he
10 requested a leave of absence from postgraduate training from January 11, 2017 through January
11 20, 2017.

12 12. In his application for licensure, Applicant disclosed that he suffers from a progressive
13 disorder or a health condition that will likely result in a general decline in health or function that
14 may impair or limit his ability to practice medicine safely. Applicant stated that he was diagnosed
15 with ADHD and a disease, that when combined with sleep deprivation, causes him to get sick
16 frequently. Applicant does not believe this will affect him in the long term because he will not be
17 pursuing a career in pediatrics that has 28-hour on call shifts. He stated that he follows with a
18 specialist and a psychiatrist.

19 13. On or about June 13, 2017, the Board received a letter from Applicant's psychiatrist
20 indicating that he began treatment on November 30, 2015, and was diagnosed with Major
21 Depressive Disorder, Post-Traumatic Stress Disorder, and ADHD. The psychiatrist recommended
22 that Applicant begin therapy with a psychotherapist for continuing treatment.

23 14. On or about June 20, 2017, the Board received a letter from Applicant's
24 psychotherapist indicating that he started treatment on January 13, 2017, upon recommendation of
25 his psychiatrist. He initially presented with complications from trauma, detachment and
26 disassociation, depression, and anxiety. Applicant's treatment plan consisted of bi-weekly
27 meetings, followed by weekly meetings after the first month of treatment. Since June 2017,
28 Applicant has been actively participating in treatment.

1 15. On or about June 30, 2017, the Board received a letter from Applicant's pediatric
2 residency program director. The program director stated that Applicant struggled in a few areas,
3 including ability to communicate with different types of people, which interfered with delegating or
4 allowing others to participate in patient care. Applicant's struggles with organization and
5 prioritization led to an inability to provide care in an efficient and timely manner, which also
6 caused difficulty in handoffs and transitions of care. In addition, due in part to his difficulty with
7 prioritization, Applicant had trouble applying book knowledge to practical clinical medicine,
8 frequently over or under diagnosing and over or under treating. Applicant also struggled to be an
9 accountable and reliable resident, causing other residents to pick up the "slack," often on short
10 notice, leading to strained relationships with his fellow residents. The aforementioned problems
11 led to inconsistent patient care and risked patient harm. Applicant further lacked insight about
12 how his absence affected patients, colleagues, and the program. The program director met with
13 Applicant regarding these concerns, but saw minimal change in behavior.

14 16. As part of Applicant's residency file, there was a "Letter of Concern" issued to
15 Applicant regarding his performance in the program, as determined in consultation with the
16 Clinical Competency Committee. Applicant performed below expectations given his point in
17 training and below the level of his peers in multiple core competencies. The areas of deficiency
18 included three areas of patient care and three areas of professionalism. As a result, Applicant's
19 training was extended by three months and required him to successfully pass each assigned
20 rotation, demonstrate improvement in milestones, obtain face-to-face feedback from staff, perform
21 at or above the level of peers and as expected given his point in training, attend monthly meetings
22 for academic counseling and support, and provide a doctor's note for any absence due to medical
23 reasons that is three days or more in length.

24 17. On or about July 31, 2017, Applicant submitted to a comprehensive psychiatric
25 examination by the Board's expert reviewer. The expert opined that Applicant has consistent
26 problems with attendance, reliability, organization, and communication. The mental status
27 examination revealed a mild impairment of concentration. Applicant also lacked insight regarding
28 the problems identified by the residency program and tended to make excuses and blame others.

1 The difficulties noted in Applicant's residency led to inconsistencies in patient care and risked
2 patient harm. Furthermore, Applicant's problems in the residency program are not just a result of
3 an emotional crisis in January 2017 and are not specific to the stress of 28-hour shifts. Applicant's
4 problems in residency have not been addressed or remediated yet.

5 18. After reviewing Applicant's application and file, on or about August 10, 2017, the
6 Board's medical consultant and expert reviewer opined that Applicant is not capable of practicing
7 competently and independently without supervision, due to deficiencies in patient care,
8 organizational skills, communication skills, and professional conduct.

9 **SECOND CAUSE FOR DENIAL OF APPLICATION**

10 **(Incompetence)**

11 19. Applicant's application is subject to denial under sections 2221, subdivision (a), and
12 section 2234, subdivision (d), in that Applicant lacks the competency to practice medicine. The
13 circumstances are as follows:

14 20. The allegations of the First Cause for Discipline are incorporated by reference as if
15 fully set forth herein.

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the Medical Board of California issue a decision:

19 1. Denying the application of Juan Luis Cazares for a Physician's and Surgeon's
20 Certificate;

21 2. If issued a probationary license, ordering Applicant to pay the Board the costs of
22 probation monitoring;

23 3. If placed on probation, revoking, suspending or denying approval of the Applicant's
24 authority to supervise physician assistants and advanced practice nurses; and,

25 ///


26 ///

27 ///

28 ///

1 4. Taking such other and further action as deemed necessary and proper.

2
3 DATED: September 26, 2018


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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